

FILED  
U.S. DISTRICT COURT  
APR 11 1964

2010 JUN 28 P 3: 43

CLERK B. McCarthy  
S. S. OF GA.

)

)

)

)

)

)

5

---

**ORDER**

---

Judge's Report and Recommendation, to which objections have been filed (doc. no. 7).<sup>1</sup>

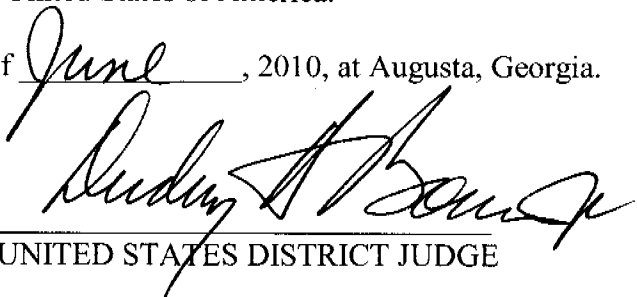
appealing the denial of his motion to vacate. This Court “must issue or deny a certificate of

<sup>1</sup>Respondent also filed a response to Petitioner's objections. (Doc. no. 8.)

standards enunciated in Slack v. Daniel, 529 U.S. 473, 482-84 (2000), Petitioner has failed to make the requisite showing. Accordingly, a COA is **DENIED** in this case.<sup>2</sup> Moreover, because there are no non-frivolous issues to raise on appeal, an appeal would not be taken in good faith. Accordingly, Petitioner is not entitled to appeal *in forma pauperis*. See 28 U.S.C. § 1915(a)(3).

Upon the foregoing, the Clerk is directed to **CLOSE** this civil action and **ENTER FINAL JUDGMENT** in favor of the United States of America.

SO ORDERED this 28<sup>th</sup> day of June, 2010, at Augusta, Georgia.

  
UNITED STATES DISTRICT JUDGE

---

<sup>2</sup> "If the court denies a certificate, a party may not appeal the denial but may seek a certificate from the court of appeals under Federal Rule of Appellate Procedure 22." Rule 11(a) to the Rules Governing Section 2255 Proceedings.